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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,327	09/16/2003	Heidi L. Jacquin	27688-003	9181

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MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC
12010 SUNSET HILLS ROAD
SUITE 900
RESTON, VA 20190

EXAMINER

LAVINDER, JACK W

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/662,327

Applicant(s)

JACQUIN ET AL.

Examiner

Jack W. Lavinder

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8,9 and 17-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8,9 and 17-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the hook and loop fastener must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Fromm, 6050695.

3. Regarding Claim 8, Fromm discloses a friendship object kit comprising of at least a pair of friendship objects that are packaged and sold together (abstract), wherein a first friendship object of the pair is for a first person to keep and a second friendship object of the pair is for a second person to receive from the first person (column 1, line 12), the first and second friendship objects each comprising a connecting mechanism to enable multiple friendship objects from different pairs of friendship objects to be linked together since they are electrically linked by the contacts 28 and 30, and wherein each of the first and second friendship objects is personalized by an audible message (54).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 9, 17-26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Fromm in view of Ellner et al., 6618328.

6. Regarding Claim 9, Fromm discloses all the claimed features as discussed in the rejection above except for each of the first and second friendship objects having a voice recording and playback mechanism. However, Ellner et al. teach the use of a voice chip (125) for recording and a playback mechanism (125 and 127). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the device of Fromm to include a recording and playback mechanism as taught by Ellner et al. in order to generate a desired message of the user.

7. Regarding claims 17-19 and 22-24, Fromm discloses in column 2, lines 31-33, "the novelty jewelry may take other forms. For example, the novelty jewelry may take the form of two lockets 15 (figure 10)." Fromm fails to disclose animal shaped objects. The examiner takes Official Notice that it is old and well known to make necklaces having animal shaped objects as pendants. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to make the necklace pendant with animals instead of the heart in order to make the necklace more appealing to animal lovers.

8. Regarding claims 20,21,25, and 26, the examiner takes Official Notice that it is old and well known to use jewelry clasps or hook and loop fasteners on jewelry. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have replaced the ring connector on the locket in Fromm with a removable clasp or hook and loop fastener to make it easier to remove or

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attach the locket from or to the chain, rather than having to take the entire necklace off the user.

Response to Applicant's Arguments

9. On page 6 of applicant's response, the applicant states that Fromm fails to disclose a connecting mechanism to enable multiple friendship objects from different pairs of objects to be linked together. Fromm discloses contacts (28,30) for connecting two objects together. Assuming that the pair of objects being sold will be in the hundreds of thousands sold, the contacts (28; 30) will be the same on each pair of the hundreds of thousand sold. Therefore, Fromm does disclose connection means for enabling multiple friendship objects from different pairs to be linked together, albeit not at the same time, which the claim fails to limit the device to being capable of linking multiple objects together all at the same time. Assuming that the claim does require that the connecting mechanism has to enable multiple objects be connected together all at the same time, Fromm still discloses this type of connection means. Figure 10 of Fromm discloses an embodiment with a connecting ring for connecting to a chain or rope or string. This connecting ring allows multiple objects to be connected together at the same time via the rope or chain or string and meets the limitations of the claim directed to "a connecting mechanism to enable multiple friendship objects from different pairs of friendship objects to be linked together."

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10. The applicant also argues on page 7 of the response that Fromm fails to disclose an object that is personalized by an audible message. Fromm discloses a sound emitting device capable of emitting multiple types of audible sounds such as holiday themes like Valentine's day or Christmas or favorite song, which are considered to be personalized for the specific occasion or person. Therefore, it is believed that Fromm does disclose a device that is capable of personalizing audible sounds depending on the occasion or the person. As long as the device is capable of performing the intended function, it structurally meets the limitations of the claim.

11. On page 8, the applicant argues that Ellner, which is directed to a watch, is non-analogous art. Jewelry is considered to be anything a user wears for ornamenting one's self, e.g., chains, piercing involving nails, bracelets, and watches. Watches come in a variety of styles to please the style of the consumers, i.e., consumer's buy certain types of watches based on what they look like: sports watches, formal watches, casual watches, etc. Therefore, it is considered that watches are a form of jewelry and is analogous art.

12. The applicant further argues that even if the Ellner reference is considered analogous art, there is no motivation to combine the two references. The motivation is to be able to generate a desired message of the user—a further personalization of the audible sounds provided by Fromm's device.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack W. Lavinder whose telephone number is 703-308-3421. The examiner can normally be reached on Mon-Friday, 9-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jack W Lavinder
Primary Examiner
Art Unit 3677

12/01/04